

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MEMORANDUM ORDER

On March 16, 2009, this case was referred to United States Magistrate Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On April 28, 2009, the magistrate judge issued a Report (Doc. 13) recommending that Defendant's Motion to Dismiss or for Summary Judgment (Doc. 5) be denied.

Service of the Report and Recommendation was made on the parties, and no objections have been filed. After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, on this 27 day of May, 2009, IT IS HEREBY
ORDERED that Defendant's Motion to Dismiss or for Summary Judgment (Doc. 5) is DENIED.

The Report and Recommendation of Magistrate Judge Bissoon dated April 28, 2009 is hereby adopted as the Opinion of the District Court.

D. Gleeson

David S. Cercone
United States District Judge

cc (via email):

Erik M. Yurkovich, Esq.
A. Patricia Diulus-Myers, Esq.
Craig W. Snethen, Esq.